

REMARKS

Reconsideration of the application is requested.

Claims 12-28 and 30 remain in the application. Claims 12-28 and 30 are subject to examination. Claims 12, 18, and 30 have been amended.

An RCE has been filed concurrently with this amendment.

Under the heading "Claim Rejections – 35 USC § 102" on page 3 of the Final Office Action, claims 12-22, 25-28 and 30 have been rejected as being fully anticipated by U.S. Patent No. 6,034,995 to Eisele et al. under 35 U.S.C. § 102.

Claims 12, 18, and 30 have been amended to better define the invention. Support for the changes can be found by referring to Fig. 1B and to the translated specification at page 17, lines 20-23 and at page 22, lines 1-39.

Claim 12 defines a step of carrying out a check for a line fault by a bus subscriber only when the bus subscriber is placed in the dominant state by the switches.

Claims 18 and 30 include at least one fault identification device configured to: carry out a check for a line fault only when the one of said bus subscribers is placed in the dominant state by said switching state of said switches.

Eisele et al. do not teach the features of claims 12, 18, and 30 that have been copied above.

The Examiner has referred to column 8, lines 39-53 with regard to the previous state of the claims, however, column 8, lines 44-51 teach that a line is in a dominant state due to a fault that occurs when two lines are shorted together.

In contrast to the line fault taught by Eisele et al., claims 12, 18, and 30 specify that a bus subscriber is placed in a dominant state by the switching state of switches, and that a check for a line fault is carried out only when the one of said bus subscribers is placed in the dominant state by said switching state of said switches.

Furthermore, column 7, lines 16-23 of Eisele et al. teaches the operation of the lower fault detection circuit 27. That portion teaches that line 12 is checked for a short to ground and that line 11 is checked for a short to the supply voltage. In the dominant state, however, line 12 is already connected to ground by switch 7 and line 11 is already connected to the supply voltage by switch 8. It is clear that in order to test for the respective shorts, the station 2 must be placed in the recessive state by the switches 7 and 8.

In contrast to the line fault taught by Eisele et al., claims 12, 18, and 30 specify that a check for a line fault is carried out only when the bus subscriber is placed in the dominant state by the switching state of the switches.

The invention as defined by claims 12, 18, and 30 is not anticipated by Eisele et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 14 of the Final Office Action, claim 23 has been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 4,516,248 to Barclay et al. under 35 U.S.C. § 103.

Even if there were a suggestion to combine the teachings in Eisele et al. and Barclay et al., the invention as defined by claim 23 could not have been suggested for the reasons given above with regard to claim 18 and the teaching in Eisele et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 15 of the Final Office Action, claim 24 has been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 6,535,028 to Baker under 35 U.S.C. § 103.

Even if there were a suggestion to combine the teachings in Eisele et al. and Baker, the invention as defined by claim 24 could not have been suggested for the reasons given above with regard to claim 18 and the teaching in Eisele et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 12, 18, or 30. Claims 12, 18, and 30 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 12 or claim 18.

In view of the foregoing, reconsideration and allowance of claims 12-28 and 30 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) in accordance with Section 1.17 is enclosed herewith. The fee required for a three-month extension is \$1110.00. Since the fee in the amount of \$490 for a two month extension has already been paid, the remaining amount of \$620.00 (\$1110.00-\$490.00) is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

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Respectfully submitted,

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MPW:cgm

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